

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

-----X
SHIMSHON WEXLER

Case No.: _____

Plaintiff,

v.

LVNV FUNDING, LLC

Defendant.
-----X

2016 MAY -9 PM 2:48

Pro Se Party's Answers to Rule 26.01 Interrogatories

(A) State the full name, address and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

Answer- None

(B) As to each claim, state whether it should be tried jury or non jury and why.

Answer- Fed. R. Civ. P. 38 provides that a party may request a jury trial. Plaintiff has requested one in this case. The question of whether Defendant's conduct as alleged in the complaint is a question of fact as to whether or not Defendant negligently, recklessly and/or willfully violated the Fair Credit Reporting Act. Damages are also a proper question for the jury. See *Sibley v. Fulton DeKalb Collection Service*, 677 F.2d 830 (11th Cir. 1982); *Kobs v. Arrow Service Bureau, Inc.*, 134 F.3d 893 (7th Cir. 1998); See also, *Barber v. Kimbrell's, Inc.*, 577 F.2d 216 (4th Cir) cert. denied, 439 U.S. 934, 99 S.Ct. 329, 58 L.Ed.2d 330 (1978) (T.I.L.A. claims entitled plaintiff to trial by jury).

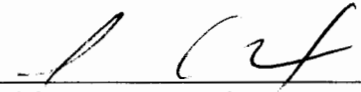
(C) State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division).

Answer- Filing of the claim in this division is proper under L.R. 3.01 (A)(3) because LVNV "resides" within this district as defined by USC § 1391(c)(2).

(D) Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal?

Answer- No

Dated: May 4, 2016


Shimshon Wexler, *Pro Se*
1856 Berkeley Mews NE
Atlanta, GA 30329
212-760-2400 (cell)
917-512-6132 (fax)
shimshonwexler@yahoo.com